



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/821,379 | 04/09/2004 | Fred Alan Bishop | 80655.8517 | 1600 |

| | | |
|------------------------------|------|------------|
| 66170 | 7590 | 11/19/2009 |
| Snell & Wilmer L.L.P. (AMEX) | | |
| ONE ARIZONA CENTER | | |
| 400 E. VAN BUREN STREET | | |
| PHOENIX, AZ 85004-2202 | | |

| | |
|----------------------|--|
| EXAMINER | |
| AGWUMEZIE, CHARLES C | |

| | |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
| 3685 | |

| | |
|-------------------|---------------|
| NOTIFICATION DATE | DELIVERY MODE |
| 11/19/2009 | ELECTRONIC |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

HSOBELMAN@SWLAW.COM
DMIER@SWLAW.COM
JESLICK@SWLAW.COM

| | | | |
|------------------------------|---|--------------------------------------|--|
| Office Action Summary | Application No. 10/821,379 | Applicant(s) BISHOP ET AL. | |
| | Examiner CHARLES C. AGWUMEZIE | Art Unit 3685 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 August 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 5,8-12 and 51-59 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 5,8-12 and 51-59 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on August 7, 2009 has been entered.

Acknowledgments

2. Applicants' amendment filed on August 7, 2009 is acknowledged. Accordingly claims 5, 8-12, and 51-59 remain pending.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. **Claim 58 and 59**, are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically it would be unclear to one of ordinary skill in the art to understand the technical meaning of "wherein said script character encodes a signal to execute code (claim 58 and 59).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claims 5, 8-10 and 51-57**, are rejected under 35 U.S.C. 103(a) as being unpatentable over Ji, US Patent No. 6,272,641 B1.

7. As per **claims 5 and 57**, Ji discloses a method for protecting a network server from being used as the basis of an attack on a network client, the method comprising:
scanning a trusted portion of said network server to find executable commands inserted by an unwanted party, said executable commands being associated with a selected programming language, wherein said trusted portion is a subset of said network server (see fig. 1, *which discloses scanner 26*; col. 3, lines 20-35, **which discloses that “at this point the applets are statically scanned at the server by the scanner looking for particular instructions which may be problematic in a security context. The identified problematic instructions are then each instrumented, e.g. special code is inserted before and after each problematic instruction...); and,**

at least one of editing and removing at least a portion of said executable commands such that said executable commands still remain in said trusted portion, but cannot be executed by said network client, wherein if editing, said editing of said executable commands comprises replacing particular characters within said executable commands (col. 3, lines 10-45, *which discloses that the identified problematic instructions are then each instrumented, e.g. special code is inserted before and after each problematic instruction, where the special code calls respectively a prefilter and a post filter ...the instrumentation involves replacing the problematic instruction with another instruction...*; col. 3, lines 50-60, *which discloses that "the suspicious instructions each may (or may not) be instrumented as described above; the instrumentation involves altering suspicious instructions such as by adding code (such as the pre- and post-filter calls) or altering the suspicious instructions by replacing any suspicious instructions with other instructions)*)

What Ji does not explicitly teach is the use of the claim phrase "at least one of editing and removing a portion of said executable command." However a person of ordinary skill in the art would recognize that the art of editing and removing an executable command is equivalent to replacing the problematic code with another instruction and/or altering the suspicious instructions and replacing it. Accordingly, it would have been obvious to one of ordinary skill in the art at the time of the invention to

modify Ji by substituting the replacing the problematic code with another instruction with editing and removing at least a portion of the executable command as claimed.

8. As per **claim 8**, Ji discloses the further comprising rejecting a request when said request contains said executable command having a hostile character (col. 3, lines 20-45, which discloses that if the security policy is violated the particular instruction which violates the security policy is not executed...).

9. As per **claim 9**, Ji further discloses the method, further comprising logging said executable commands to form a security log (col. 2, lines 25-45).

10. As per **claim 10**, Ji further discloses the method, further comprising reviewing said security log to determine whether said executable commands are hostile (col. 3, lines 20-45).

11. As per **claim 51**, Ji further discloses the method, wherein the executable commands cause an unwanted action when executed (col. 3, lines 20-45).

12. As per **claim 52**, Ji further discloses the method, wherein the executable commands are malicious (col. 3, lines 20-45; col. 6, lines 35-45, which discloses when applet is determined to be dangerous i.e. involving malicious code).

13. As per **claim 53**, Ji discloses the method, further comprising receiving a request for connection at said network server from network client (col. 2, lines 45-60).

14. As per **claim 54**, Ji disclose the method, further comprising verifying that a response from said network server to said network client is void of said executable commands (col. 3, lines 35-45).

15. As per **claim 55**, Ji discloses the method, further comprising providing said response from said network server to said network client (col. 3, lines 35-65)

16. As per **claim 56**, Ji further discloses the method, wherein said programming language comprises javascript (see fig. 1; col. 1, lines 15-30).

17. As per **claim 58**, Ji further disclose the method wherein said editing comprises converting a script format character to another character, wherein said script character encodes a signal to execute code (col. 3, lines 50-60).

18. As per **claim 59**, Ji further discloses the method wherein said removing comprises removing a script format character, wherein said script format character encodes a signal to execute code (col. 3, lines 50-60)

19. **Claims 11-12**, are rejected under 35 U.S.C. 103(a) as being unpatentable over Ji, US Patent No. 6,272,641 B1 and further in view of Guheen et al (hereinafter "Guheen") U.S. Patent No. 6,473,794 B1.

20. As per **claim 11**, Ji failed to explicitly disclose the method, wherein said protection of the network server is accomplished during an electronic purchase transaction.

Guheen further discloses the method, wherein said protection of the network server is accomplished during an electronic purchase transaction (column 251, lines 34-36).

Accordingly, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Kuo to incorporate the method, wherein said protection of the network server is accomplished during an electronic purchase transaction in view of the teachings of Guheen in order to ensure adequate security of the transaction

21. As per **claim 12**, Ji failed to explicitly disclose the method wherein the electronic purchase transaction is conducted using a digital wallet

Guheen further discloses the method, wherein the electronic purchase transaction is conducted using a digital wallet (column 17, java wallet; column 261, lines 30-53).

Accordingly, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Kuo to incorporate the method, wherein the electronic

purchase transaction is conducted using a digital wallet in view of the teachings of Guheen in order to ensure adequate security of the transaction.

Conclusion

22. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles C.L. Agwumezie whose number is **(571) 272-6838**. The examiner can normally be reached on Monday – Friday 8:00 am – 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Calvin Hewitt can be reached on **(571) 272 – 6709**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Charlie C Agwumezie/
Primary Examiner, Art Unit 3685
November 16, 2009